

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION**

Dated: Nainital the May 19th, 2006
Criminal Misc. Bail Application No. 430 of 2006
Order on the bail application of accused.

CRIMINAL SIDE

Ashish Arora S/o Shri Kishan lal
R/o House No. 175 Awas Vikas Gadarpur
P.S. Gadarpur
District U. S. Nagar Applicant

Versus

State of Uttaranchal Opposite Party
Arising out of case crime No.2135 of 2005
Under Sections 379, 411 IPC
P.S. Rudrapur
District U.S. Nagar

Hon'ble J. C. S. Rawat, J.

Heard Sri S. S. Chauhan learned counsel for the applicant and learned AGA for the State.

Perused the record. It was contended on behalf of the applicant that the police officials immediately after the recovery of motorcycle had stated that it pertains to case crime No.2135/2005 under section 379 IPC. The report was lodged on 28.05.2005. The arrest of the applicant and the recovery was made on 26.04.2006 after one year from lodging the report. It was contended that the police cannot connect any recovery with the exact case crime at the spot. It was further contended that either furd was not prepared at the spot or it was a false recovery. The case is triable by the Magistrate. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the Magistrate concerned.

(J.C.S. Rawat, J.)

Dated 19.05.2006
LSR